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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000 provides for continued examination of a utility or plant application filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA)

Application Number: 09/287,631

Filing Date: April 7, 1999

First Named Inventor: John M. Eby et al.

Group Art Unit: 1732

Examiner: A. Kuhns

Attorney Docket Number: 3063.0396-02

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**Note:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) instead of a RCE to be eligible for patent term adjustment provisions of the AIPA. See "Changes to Application Examination and Provisional Application Practice," Interim Rule, 65 Fed. Reg. 14865 (March 20, 2000), Off. Gaz. Pat. Office 47 (April 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114:

- a. ☐ Previously submitted:
  - i. ☐ Consider the amendment(s)/reply after final under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_.
  - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_.
  - iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed:
  - i. ☒ Amendment/Reply
  - ii. ☐ Affidavit(s)/Declaration(s)
  - iii. ☒ Information Disclosure Statement
  - iv. ☒ Other Request to Withdraw Application from Issue

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; fee under 37 C.F.R. § 1.17(i) required.)
- b. ☐ Other \_\_\_\_\_

## 3. Fees:

- a. ☒ The filing fee is calculated as follows:
  - i. ☒ \$710.00 RCE fee required under 37 C.F.R. § 1.17(e)
  - ii. ☐ Extension of Time Fee (\_\_\_\_ Months) \$ \_\_\_\_\_
  - iii. ☒ Other \$130.00 Petition fee required under 37 C.F.R. § 1.17(i)
- b. ☒ Check in the amount of \$840.00 enclosed.
- c. ☒ The Director is authorized to charge any deficiencies in the filing fees, or credit any overpayments to Deposit Account No. 06-0916.

## Signature of Applicant, Attorney, or Agent Required

Name: Louis M. Troilo

Reg. No.: 45,284

Signature: 

Date: February 7, 2001

## Certificate of Mailing or Transmission

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OFFICE OF PETITIONS

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PATENT

Customer Number 22,852

Attorney Docket No. 3063.0396-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
John EBY et al. ) Group Art Unit: 1732  
)  
Application No.: 09/287,631 ) Examiner: A. Kuhns  
)  
Filed: April 7, 1999 )  
)  
For: SURFACE COVERINGS HAVING )  
A NATURAL APPEARANCE AND )  
METHODS TO MAKE A )  
SURFACE COVERING HAVING )  
A NATURAL APPEARANCE )

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**AMENDMENT**

Please amend the application as follows:

**IN THE CLAIMS:**

Please cancel claim 47, and amend claims 33 and 34 as follows:

1 33. (Twice Amended) A method of making a surface covering having multiple layers including a wear layer[, and an embossed design,] comprising:  
  
chemically embossing at least a portion of a first layer, and  
  
mechanically embossing at least a portion of a second layer, wherein the first layer is disposed below the second layer and a chemically embossed portion of the

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